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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Case No. 18-CR-00258 EJD
	)	
Plaintiff,	)	STIPULATION REGARDING
	)	SCHEDULE FOR RESTITUTION HEARING AND
v.	)	HEARING ON MOTION FOR RELEASE
	)	PENDING APPEAL AND <del>[PROPOSED]</del> ORDER
RAMESH "SUNNY" BALWANI,	)	
	)	
Defendant.	)	
	)	

**STIPULATION**

On December 7, 2022, the Court imposed sentence in this matter. During the hearing, the Court asked that the parties to meet and confer regarding a restitution hearing date.

On January 9, 2023, the defendant filed a Motion for Release Pending Appeal (ECF No. 1711).

At the Court's request, the parties have met and conferred regarding a restitution hearing date, as well as a date for hearing of the Motion for Release Pending Appeal. In consideration of the Court's and counsel's availability, the parties' desire to conduct the hearings on the same date to promote efficiency, and the government's need for time to consult with victims or their counsel and to review relevant

1 authorities regarding restitution, particularly in light of the Court's findings regarding loss for purposes  
2 of the Sentencing Guidelines during the sentencing, the parties hereby stipulate to and jointly request  
3 that the Court set the following schedule:

4 1/9/2023: Defendant's Motion for Release Pending Appeal due

5 1/30/2023: Government's opposition to defendant's Motion for Release Pending Appeal due

6 1/30/2023: Government's brief in advance of restitution hearing due

7 2/10/2023: Defendant's reply in support of his Motion for Release Pending Appeal due; and  
8 Defendant's response to Government's restitution brief due

9 2/17/2023: Hearing on defendant's Motion for Release Pending Appeal and on restitution.

10 The parties recognize that 18 U.S.C. § 3664(d)(5) provides "the court shall set a date for the final  
11 determination of the victim's losses, not to exceed 90 days after sentencing." 18 U.S.C. § 3664(d)(5).

12 The proposed February 17 date is within 90 days of Mr. Balwani's sentencing. Nevertheless, for the  
13 avoidance of any doubt, the parties stipulate and agree there is good cause to conduct the restitution  
14 hearing on February 17, 2023, and that the Court retains authority to determine and impose restitution at  
15 or promptly following the hearing on February 17, 2023. *See Dolan v. United States*, 560 U.S. 605, 608,  
16 611 (2010). The defendant consents to holding the restitution hearing on February 17, 2023, and waives  
17 any objection based on 18 U.S.C. § 3664(d)(5).

18 IT IS SO STIPULATED.

19 DATED: January 10, 2023

Respectfully submitted,

20 STEPHANIE M. HINDS  
21 United States Attorney

22 /s/ Kelly I. Volkar  
23 ROBERT S. LEACH  
24 JEFF SCHENK  
25 JOHN C. BOSTIC  
26 KELLY I. VOLKAR  
27 Assistant United States Attorneys  
28

1 DATED: January 10, 2023


/s/ Jeffrey B. Coopersmith  
JEFFREY B. COOPERSMITH  
AMY WALSH  
STEPHEN A. CAZARES  
Attorneys for Defendant Ramesh “Sunny”  
Balwani

6 **~~[PROPOSED]~~ ORDER**

7 Based upon the stipulation of the parties and the record, and good cause shown, the schedule  
8 proposed by the parties above is adopted. The Court finds good cause to hold the hearing on the Motion  
9 for Release Pending Appeal and the restitution hearing on February 17, 2023.

10 IT IS SO ORDERED.

12 DATED: January 17, 2023

  
HON. EDWARD J. DAVILA  
United States District Judge